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FAX COVER LETTER**CONFIDENTIAL**

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DATE:	December 3, 2004	
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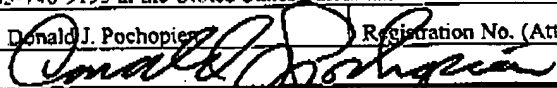
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/437,726	
		Filing Date	November 9, 1999	
		First Named Inventor	Stemmer, Willem P.C., et al.	
		Art Unit	1634	
		Examiner Name	Bradley S. Sisson	
Total Number of Pages in This Submission		11	Attorney Docket Number	0122.310US/16184US03
ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		
		<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Request For Corrected Filing Receipt		
Remarks				
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm	McAndrews Held & Malloy, Ltd.			
Signature				
Printed Name	Donald J. Pochopien, Reg. No. 32,167			
Date	December 3, 2004			
CERTIFICATE OF FAX TRANSMITTAL				
I hereby certify that this correspondence is being sent via facsimile to Office of Initial Patent Examination's Filing Receipt Corrections, Fax No. 1-703-746-9195 at the United States Patent and Trademark Office.				
Name (Print/type)	Donald J. Pochopien	Registration No. (Attorney/Agent)	32,167	
Signature		Date	12/03/2004	

ATTORNEY DOCKET NO. 0122.310US/16184US03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Stemmer, Willem P.C., et al.

U.S. Serial No.: 09/437,726

Filed: November 9, 1999

For: "Methods for Obtaining a
Polynucleotide Encoding a Polypeptide
Having Rubisco Activity" (As Amended)

Group Art Unit: 1634

Examiner: Bradley S. Sisson

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (and all papers
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on this date:

December 3, 2004



Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants

REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the Title of the Applicants' invention be corrected on the Official Filing Receipt to conform to the title as amended in the Amendment after Final dated April 22, 2002 (Exhibit A) and as later requested to be entered in the Request for Continued Prosecution filed June 19, 2004 (Exhibit B).

Please delete the prior Title and substitute therefore the following Title:

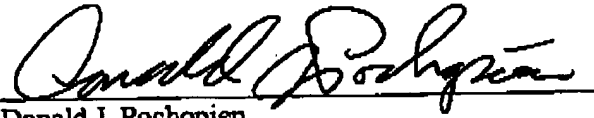
Methods for Obtaining a Polynucleotide
Encoding a Polypeptide Having Rubisco Activity

A copy of the first page of the Official Filing Receipt of October 23, 2000, showing the change in red is attached hereto as Exhibit C.

Respectfully submitted,

MCANDREWS, HELD & MALLOY, LTD.

By



Donald J. Pochopien
Registration No. 32,167
Attorney of Record
34th Floor
500 West Madison
Chicago, Illinois 60661
(312) 775-8133

Dated: December 3, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/437,726	11/09/1999	1643	1310	02-029220US	5	26	7

22798

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CORRECTED FILING RECEIPT



OC000000005494675

Date Mailed: 10/23/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

WILLEM P. C. STEMMER, LOS GATOS, CA ;
VENKITSWARAN SUBRAMANIAN, SAN DIEGO, CA ;
GENHAI ZHU, SUNNYVALE, CA ;
LU LIU, REDWOOD CITY, CA ;
SERGEY A. SELIFONOV, LOS ALTOS, CA ;

Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/153,093 09/09/1999
AND CLAIMS BENEFIT OF 50/107,756 11/10/1998

Foreign Applications

If Required, Foreign Filing License Granted 12/14/1999

Title

~~MODIFIED RIBULOSE 1,5-BISPHOSPHATE CARBOXYLASE/OXYGENASE FOR~~
~~IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES~~
METHODS FOR OBTAINING A POLYNUCLEOTIDE ENCODING A

Preliminary Class

POLYPEPTIDE HAVING RUBISCO ACTIVITY

435

(Modified) PTO/SB/29 (8/98)
 Approved for use through 09/30/2000. OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. §1.53(d))

CHECK BOX, if applicable
☒ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, D.C. 20231	Attorney Docket No. of Prior Application:	0122.310US
	First Named Inventor	Willem P.C. Stemmer
	Examiner Name	B. Sisson
	Group/Art Unit	1655
	Express Mail Label No.:	

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. §1.53(d),
 (continued prosecution application (CPA)) of prior application No. 09/437,726,
 filed on November 9, 1999, entitled MODIFIED RIBULOSE 1,5-BISPHOSPHATE
CARBOXYLASE/OXYGENASE FOR IMPROVEMENT AND OPTIMIZATION OF PLANT PHENOTYPES.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. §371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C+P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. §1.53(d), but must be filed under 37 C.F.R. §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. §1.78(a).

1. ☒ Enter the amendment previously filed on April 22, 2002
 under 37 C.F.R. §1.116 in the prior non provisional application.
2. ☐ An amendment is enclosed
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

(Modified) PTO/SB/29 (8/98)
 Approved for use through 09/30/2000. OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. §1.16(a) or (b))	11 - 20* =	0	x \$ =	\$0.00
	INDEPENDENT CLAIMS (37 C.F.R. §1.16(b) OR (b))	1 - 3** =	0	x \$ =	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			+ \$ =	\$0.00
				BASIC FEE (37 C.F.R. §1.18)	\$740.00
				Total of Above Calculations =	\$740.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §1.9, 1.27 & 1.28).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$740.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0990 :
- a. ☒ Fees required under 37 C.F.R. §1.16.
- b. ☒ Fees required under 37 C.F.R. §1.17.
- c. ☐ Fees required under 37 C.F.R. §1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☒ New Attorney Docket Number, if desired 122.310US
 (Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
10. a. ☒ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
11. ☒ Other: Petition for Extension of Time

NOTE: The prior applications correspondence address will carry over to this CPA, UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		or <input type="checkbox"/> New correspondence address below			
Name					
Address					
City	State	CA	Zip Code		
Country	Telephone	Fax			

(Modified) PTO/SB/29 (9/98)
 Approved for use through 09/30/2000. OMB 0851-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Christopher M. Holman
Signature	<i>CHL</i>
Registration No. (Attorney/Agent)	40,021
Date	June 19, 2002

CERTIFICATE OF EXPRESS MAILING under 37 CFR 1.10	
Express Mail Label No:	Date of Deposit
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.	
Signature	
Typed Name of Person Mailing Paper or Fee	

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>June 19, 2002</u>	
Examiner: Bradley Sisson Tech Center: 1655 Facsimile Number: 703-872-9307	
Typed or printed name	Christopher M. Holman
Signature	<i>CHL</i>
Date	June 19, 2002

BEST AVAILABLE COPY

**CERTIFICATE OF FACSIMILE TRANSMITTAL
UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is facsimile to:
United States Patent and Trademark Office,
On April 22, 2002

By: 

Attorney Docket No: -02-0292-
2US/PCT
Client Ref: 0122.310US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Willem P. C. Stemmer *et al.*

Application No.: 09/437,726

Filed: November 9, 1999

For: MODIFIED RIBULOSE 1,5-
BISPHOSPHATE
CARBOXYLASE/OXYGENASE FOR
IMPROVEMENT AND OPTIMIZATION OF
PLANT PHENOTYPES

Examiner: Bradley L. Sisson

Art Unit: 1655

AMENDMENT AFTER FINAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Final Office Action dated December 28, 2001 Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. Applicants wish to thank the Examiner for useful insight and comments provided during a telephonic interview conducted with Applicants' representative Christopher Holman on March 6, 2002.

AMENDMENT**In the Specification:**

Please amend the specification by replacing the title with the following:

"Methods for Obtaining a Polynucleotide Encoding a Polypeptide Having Rubisco Activity."

In the Claims:

Please amend the claims by substituting the following claims for the corresponding previously pending claims of the same numbers: